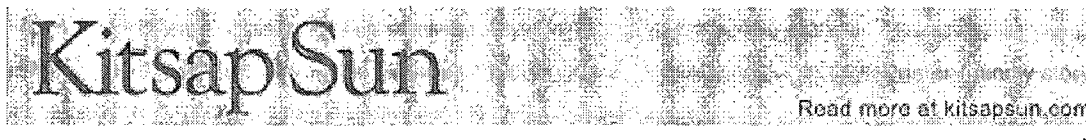


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## Bremerton Lawsuits Racking Up Large Bills for All Involved

By Andrew Binion

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### BREMERTON

The combined price tag for two ongoing Bremerton legal odysseys are approaching \$500,000 for the city and is likely to keep going up.

One case involves a former city planner's 2003 arrest following a report of suspected domestic violence. That case has racked up \$404,000 in legal bills for the city, officials said Friday.

In the other case, a nuisance property action, the city is attempting to recover about \$252,000 in cleanup costs but admits it will have to eat about \$92,000 in legal fees.

The Bremerton residents in the middle of the two legal battles say they are fighting government intrusion. City officials say the underlying issues have been resolved and drawing out the fight helps no one.

A federal court jury turned down Kenneth and Alpha Doris Lassiter's arguments last September that their civil rights were violated by Bremerton police. But Lassiter filed an appeal to the U.S. 9th Circuit Court of Appeals last October. The attorney for the city said he could not speculate on how much that would cost.

The case stems from the couple's arrest for obstructing. Police were called after neighbors reported hearing threatening and violent language. The couple's attorney said Kenneth Lassiter has a mild mental illness and relieves stress by talking out loud. The cases against the Lassiters were eventually dismissed.

Although the notice of appeal has been filed, the paperwork detailing why Lassiter is appealing has not been filed, and he has asked the court for more time.

"Without knowing the basis of the appeal brief it will be hard to determine the costs of defending the appeal," said David Horton, the attorney representing the city. The lawsuit alleges abuse of power by police, the city and the Kitsap County Prosecutor's Office.

In the nuisance property case, the city is attempting to collect \$252,000 for the 2001 cleanup of two properties on Arsenal Way and Pennsylvania Avenue owned by Natacha Sesko and her late husband, William Sesko.

The case involves the couple's stockpile of used equipment, vehicles and other items that accumulated on

two properties, but the dispute now centers on whether the city had the items removed without fairly compensating the Seskos. Another appeal may be in the works.

But the \$92,000 the city incurred in legal bills for the case won't be refunded. The total cost of the case, including cleanup and money paid to off-duty police officers to guard the site, amounts to \$355,648, according to the Bremerton city attorney's office.

Currently, the combined bills for the two cases amount to about \$760,158.

Of that figure, \$496,000 are legal fees. That number, however, is the amount owed and paid to private attorneys and legal services, and it does not reflect hours spent by the city attorney's office — time and energy forgone that could be spent on other tasks, City Attorney Roger Lubovich said. He noted that the Lassiter case has been handled by contract attorneys, resulting in a high lawyer bill. And the Sesko case is close to entering its 11th year.

"These are not typical cases for us," Lubovich said.

The city purchases insurance to protect itself from the high costs of lawsuits such as the Lassiter case, but it did not have this insurance in 2003.

The costs do not take into account the money spent by the residents fighting the city. Lassiter's attorney told the Kitsap Sun shortly after the trial that his side likely spent more than \$400,000, bringing the total of that case close to \$800,000.

Lassiter's attorney, David H. Smith, did not return a message Friday seeking comment. But he and Lassiter have both said that the purpose of the lawsuit is to hold government accountable, to provide a check on power over individuals.

"There should be pushback when the government oversteps," Smith said last year. "It's the only way to hold the government accountable."

Horton countered by saying that the Lassiters had their opportunity in court, and a jury took a couple of hours to turn them down.

Natacha Sesko's attorney, Alan Middleton, argued that the city did not deal fairly with his client.

"In the United States, you can't just take someone's property and give it to someone else," he told the Kitsap Sun last month.

